

GARY M. RESTAINO
United States Attorney
District of Arizona
DAVID P. PETERMANN
Assistant United States Attorney
Ohio State Bar No. 0071332
United States Courthouse
405 W. Congress Street, Suite 4800
Tucson, Arizona 85701
Telephone: 520-620-7300
Email: david.petermann@usdoj.gov
Attorneys for Plaintiff

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CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

CR23-01456 TUC-JCH(MAA)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Cristian Alejandro Gutierrez,

Defendant.

No.

INDICTMENT

VIOLATION:

18 U.S.C. § 371
(Conspiracy)
Count 1

18 U.S.C. § 554(a)
(Attempt to Smuggle Firearms from
the United States)
Count 2

18 U.S.C. § 981(a)(1)(C); 28 U.S.C.
§ 2461(c); 50 U.S.C. 4819(d)(1)(B)
Forfeiture Allegation

THE GRAND JURY CHARGES:

COUNT 1

From a time unknown to on or about August 23, 2023, within the District of Arizona, CRISTIAN ALEJANDRO GUTIERREZ, did knowingly and intentionally combine, conspire, confederate, and agree together with persons known and unknown, to commit offenses against the United States, that is: Smuggling Firearms from the United States to Mexico; in violation of Title 18, United States Code, Sections 554(a).

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Purpose of the Conspiracy

The purpose of this conspiracy was to unlawfully acquire firearms here in the United States on behalf of other individuals in Mexico. The firearm acquired in this manner was a M249s, belt-fed, semi-automatic rifle.

The Means and Methods of the Conspiracy

It was part of the conspiracy that the defendant would receive cash from a co-conspirator to purchase certain firearms here in the District of Arizona on behalf of other co-conspirators located in Mexico.

It was a further part of the conspiracy that, in purchasing the firearms, the defendant would pay considerably more than market value to acquire weapons for his co-conspirators in Mexico.

It was a further part of the conspiracy that certain co-conspirators would provide instructions and guidance to the defendant about the types of weapons to purchase.

It was a further part of the conspiracy that, following the firearm purchase, the defendant would transfer possession of the firearm(s) to other co-conspirators who would then transport the weapons into Mexico.

Overt Acts

In furtherance of the conspiracy, one or more of the co-conspirators committed, or caused to be committed, the overt acts described below:

On or before August 23, 2023, a co-conspirator gave \$23,000.00 in U.S. currency to the defendant in order to purchase a M249s belt-fed semi-automatic firearm.

Before August 23, 2023, the defendant communicated with undercover agents posing as firearm sellers and negotiated with them for the purchase of multiple weapons that the defendant intended to deliver to co-conspirators in Durango, Mexico.

On August 23, 2023, the defendant arrived at a pre-determined location near Tucson, Arizona and adding \$2,000 of his own money to the \$23,000 given to the defendant from a co-conspirator and purchased the M249s from the undercovers for \$25,000.

All in violation of Title 18, United States Code, Section 371.

COUNT 2

On or about August 23, 2023, in the District of Arizona, CRISTIAN ALEJANDRO GUTIERREZ knowingly and fraudulently exported and sent from the United States, and attempted to export and send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, and received, concealed, bought, sold, and in any manner facilitated the transportation, concealment, and sale of such merchandise, article or object, that is: (1) one M249s belt fed semi-automatic rifle; knowing the same to be intended for exportation contrary to any law or regulation of the United States, to wit: Title 50, United States Code, Section 4819; Title 15, Code of Federal Regulations, Part 774; and Title 15, Code of Federal Regulations, Part 738.

All in violation of Title 18, United States Code, Sections 554(a).

FORFEITURE ALLEGATION

Upon conviction of Count One of the Indictment, the defendant, CRISTIAN ALEJANDRO GUTIERREZ, shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from the proceeds traceable to the offense.

Upon conviction of Count Two of the Indictment, the defendant, CRISTIAN ALEJANDRO GUTIERREZ, shall forfeit to the United States pursuant to Title 50, United States Code, Section 4819(d)(1)(B), and Title 28, United States Code, Section 2461(c), any property constituting or traceable to the gross proceeds taken, obtained, or retained, in connection with or as a result of the violation.

If the property described above, as a result of any act or omission of the defendant: a) cannot be located upon the exercise of due diligence; b) has been transferred or sold to, or deposited with, a third party; c) has been placed beyond the jurisdiction of the court; d) has been substantially diminished in value; or e) has been commingled with other property which cannot be divided without difficulty, it is the intent of the United States, pursuant to

1 Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States
2 Code, Section 2461(c), to seek forfeiture of any other property of said defendant up to the
3 value of the above forfeitable property, including, but not limited to, all property, both real
4 and personal, owned by the defendant.

5 All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United
6 States Code, Section 2461(c), Title 50, United States Code, Section 4819(d)(1)(B), and
7 Rule 32.2(a), Federal Rules of Criminal Procedure.

8 A TRUE BILL

9 /s/
10 FOREPERSON OF THE GRAND JURY
Dated: September 20, 2023

11 GARY M. RESTAINO
12 United States Attorney
District of Arizona

REDACTED FOR
PUBLIC DISCLOSURE

13 /s/
14 DAVID P. PETERMANN
15 Assistant U.S. Attorney